

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1200

Introduced by Assembly Member Levine

February 22, 2013

An act to add ~~Section 13529.1 to~~ and repeal Chapter 7.7 (commencing with Section 13590) of Division 7 of the Water Code, relating to ~~water conservation~~; recycled water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, as amended, Levine. Recycled water: ~~landscaping~~; agricultural irrigation impoundments: pilot project.

Existing law establishes the State Water Resources Control Board and the California regional water quality control boards as the principal state agencies with authority over matters relating to water quality.

This bill would, before October 1, 2014, require the San Francisco Bay Regional Water Quality Board to authorize a voluntary pilot project for the purposes of investigating potential water quality impacts associated with maximizing the supplementation of agricultural irrigation impoundments with disinfected tertiary treated recycled water, if the regional board finds that the proposed pilot project satisfies specified criteria. This bill would require the pilot project to include a stakeholder advisory group, composed as prescribed, to review and provide input on pilot project design, implementation, and data analysis. This bill would require a prescribed final report to be issued to the San Francisco Bay Regional Water Quality Control Board and the state board, as specified. This bill would repeal these provisions on January 1, 2018.

~~Existing law declares that the use of potable domestic water for the irrigation of residential landscaping is a waste or unreasonable use of water if recycled water is available for that use and certain requirements are met. Existing law authorizes any public agency to require the use of recycled water for irrigation of residential landscaping if recycled water is available and certain other requirements are met.~~

~~Existing law, the Water Conservation in Landscaping Act, to the extent funds are appropriated, requires, on or before January 1, 2010, a city, county, or city and county, to either adopt a model local water efficient landscape ordinance drafted and updated by the Department of Water Resources or to adopt a water efficient landscape ordinance that is at least as effective as the model local water efficient landscape ordinance in conserving water, as prescribed.~~

~~This bill would require the department to require 1,000,000 acre-feet of the water used for landscaping each year to be supplied by recycled water by 2020.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(a) California faces increasing demands on its freshwater*
- 4 *resources. These demands are compounded by a growing state*
- 5 *population, limited groundwater and surface water supplies,*
- 6 *increased ecosystem conflicts, and a changing climate.*
- 7 *(b) Water recycling represents a tremendous opportunity to*
- 8 *increase California's water supply and to overcome the growing*
- 9 *water resource challenges that threaten continued economic,*
- 10 *ecosystem, and community prosperity.*
- 11 *(c) Recognizing the opportunity presented by water recycling,*
- 12 *the State Water Resources Control Board adopted a recycled water*
- 13 *policy in 2009 that mandates an increase in annual recycled water*
- 14 *use by 200,000 acre feet by 2020. The board also adopted a goal*
- 15 *of increasing the use of recycled water over 2002 levels by one*
- 16 *million acre feet per year by 2020.*
- 17 *(d) Sonoma Valley County Sanitation District in the County of*
- 18 *Sonoma produces an average of 3.5 million gallons of tertiary*

1 recycled water daily, much of which is produced in the winter
2 months and discharged to a tributary to San Pablo Bay.

3 (e) The Napa Sanitation District in the County of Napa produces
4 612 million gallons annually of tertiary treated recycled water.

5 (f) In order to maximize the beneficial use of this resource in
6 the Counties of Napa and Sonoma and in order to help inform
7 future regulatory frameworks for the use of recycled water across
8 California, it is in the state's interest to promote pilot projects
9 intended to quantify the impacts and benefits of innovative recycled
10 water projects.

11 SEC. 2. Chapter 7.7 (commencing with Section 13590) is added
12 to Division 7 of the Water Code, to read:

13
14 CHAPTER 7.7. AGRICULTURAL IRRIGATION IMPOUNDMENTS
15 PILOT PROJECT
16

17 13590. Before October 1, 2014, the San Francisco Bay
18 Regional Water Quality Control Board shall authorize a voluntary
19 pilot project for the purposes of investigating potential water
20 quality impacts and water supply benefits associated with
21 maximizing the supplementation of agricultural irrigation
22 impoundments with disinfected tertiary treated recycled water, if
23 the San Francisco Bay Regional Water Quality Control Board
24 finds that the proposed pilot project satisfies all of the following
25 criteria:

26 (a) The pilot project is designed to measure, analyze, and report
27 water quality data collected upstream and downstream of
28 agricultural irrigation impoundments before, during, and following
29 at least five storm events that result in the release of commingled
30 disinfected tertiary recycled water and surface water runoff from
31 up to four agricultural irrigation impoundments into waters of the
32 state.

33 (b) The pilot project includes a process for selecting up to four
34 existing agricultural irrigation impoundments within the Counties
35 of Napa and Sonoma for the purposes of the pilot project. A
36 selected agricultural irrigation impoundment shall meet all of the
37 following requirements:

38 (1) Have existed prior to January 1, 2013.

39 (2) Be not more than 200 acre feet in volume.

1 (3) *Be within a primarily agricultural region that currently*
2 *receives disinfected tertiary treated recycled water, consistent with*
3 *any waste discharge requirements, for the purposes of discharge,*
4 *agricultural irrigation, and ecosystem restoration.*

5 (c) *The pilot project is designed to measure, analyze, and report*
6 *at least the following water quality and environmental parameters:*

7 (1) *Constituents addressed by total maximum daily loads*
8 *completed for the San Francisco Bay, Napa River watershed, and*
9 *the Sonoma Creek watershed, including, but not limited to,*
10 *mercury, Polychlorinated biphenyls, pathogens, nutrients, and*
11 *selenium.*

12 (2) *Constituents associated with municipal recycled water,*
13 *including, but not limited to, total suspended solids, total ammonia,*
14 *copper, pH, temperature, biochemical oxygen demand, total*
15 *chlorine residual, copper, nickel, and cyanide.*

16 (d) *The pilot project incorporates a stakeholder advisory group*
17 *to review and provide input on pilot project design,*
18 *implementation, and data analysis, and consists of the following*
19 *membership:*

20 (1) *One representative from each of three nongovernmental*
21 *organizations focused on San Francisco Bay region water quality*
22 *and habitat issues.*

23 (2) *One representative from a regional agricultural*
24 *organization.*

25 (3) *Two private landowners.*

26 (4) *A representative from the Sonoma Valley County Sanitation*
27 *District.*

28 (5) *A representative from the Napa Sanitation District.*

29 (6) *A representative from the Sonoma County Water Agency.*

30 (7) *A representative from the San Francisco Bay Regional Water*
31 *Quality Control Board.*

32 (e) *The pilot project will include an analysis of local water*
33 *management implications associated with increasing the use of*
34 *recycled water for agricultural irrigation impoundments, including,*
35 *but not limited to, reduced reliance on surface and groundwater*
36 *resources, reduced ecosystem conflicts, and increased local*
37 *resilience to climate change.*

38 (f) *The proposed pilot project identifies all costs associated with*
39 *the pilot project and project proponents will have secured funding,*

1 *such as local funds and state bond funds, prior to pilot project*
2 *implementation.*

3 *13591. (a) Within 12 months of final data collection pursuant*
4 *to the pilot project authorized in Section 13590, data shall be*
5 *analyzed and compiled and a draft report shall be made available*
6 *for stakeholder advisory group review.*

7 *(b) A final report shall be issued to the San Francisco Bay*
8 *Regional Water Quality Control Board and the state board within*
9 *three months of the release of the draft report pursuant to*
10 *subdivision (a) and shall include consideration of comments made*
11 *by the stakeholder advisory group.*

12 *13592. This chapter shall remain in effect only until January*
13 *1, 2018, and as of that date is repealed, unless a later enacted*
14 *statute, that is enacted before January 1, 2018, deletes or extends*
15 *that date.*

16 ~~SECTION 1. Section 13529.1 is added to the Water Code, to~~
17 ~~read:~~

18 ~~13529.1. The department shall require 1,000,000 acre-feet of~~
19 ~~the water used for landscaping each year to be supplied by recycled~~
20 ~~water by 2020.~~